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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,229	08/20/2001	Kenneth N. Harel	CONTC.57582	6394

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EXAMINER

A, PHI DIEU TRAN

ART UNIT PAPER NUMBER

3637

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/933,229

Applicant(s)

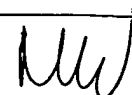
HAREL, KENNETH N.

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 16, 30 and 35-55 is/are pending in the application.
- 4a) Of the above claim(s) 37-40 and 49-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 16, 30, 35, 36, 41-48, 52-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The indicated allowability of claims 15, 16, 35, 36, 41-48, 52-55 is withdrawn in view of the newly discovered reference(s) to Compton. Rejections based on the newly cited reference(s) follow.

2. PRODUCT BY PROCESS CLAIM:

“ The subject matter present is regarded as a product by process claim in which a product is introduced by the method in which it is made. It is the general practice of this office to examine the final product described regardless of the method provided by the applicant.”

The office policy applies to the limitations of “mixed together at the time of manufacture” in claim 35, “to cooperate in, during application...to....perforations” in claim 54.

Claim Rejections – 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunz et al (6295776) in view of Compton (2853871) and Weldy (re34547).

Kunz et al (figure 1) shows a protective drywall joint/trim device having a relatively rigid elongated core (12) having a curved transverse cross section(14) so as to have a convex outer surface and a concave inner surface, a pair of flanges (16) terminating in respective longitudinal edges, a paper cover (20) bonded to the outer surface of the core and extending beyond the longitudinal edges of the core to form flexible flaps (the edge of the cover which extends

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beyond the core) having respective outward and inward surfaces, the flaps being formed with spaced apart perforations on the outward surfaces.

Kunz et al does not show the flap having elongated grooves and ridges with at least the inward surfaces including the ridges for anchoring the joint compound on the drywall corner joint, at least the outward surfaces including the grooves, the perforations being in the grooves of the outward surfaces.

Compton shows flaps (20) having elongated grooves and ridges with at least the inward surfaces including the ridges for anchoring the joint compound(21), at least the outward surfaces including the grooves.

Weldy shows perforations being in the grooves of the outward surfaces of the flaps to enable strong engagement of plaster material to attach the cover to a wall.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kunz et al to show the flap having elongated grooves and ridges with at least the inward surfaces including the ridges for anchoring the joint compound on the drywall corner joint, at least the outward surfaces including the grooves as taught by Compton, the perforations being in the grooves of the outward surfaces as taught by Weldy because having corrugated surface with grooves and ridges with perforations at the grooves of the outward surfaces would enhance the attachment of the joining compound to the cover and its supporting wall, and thus resulting in a stronger finish wall surface.

3. Claims 16, 41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunz et al (6295776) in view of Compton (2853871) and Weldy (re34547).

Kunz et al (figure 1) shows a drywall corner protection strip device having an elongated metal core (12) having first and second longitudinal edges, a paper cover (20) bonded to the metal core and extending beyond the first and second longitudinal edges to form flexible paper flaps, each having an outwardly facing surface and an inwardly facing surface, the flaps (the edge of the cover which extends beyond the core) being formed on their outwardly facing surfaces with spaced apart perforations and extending through the flaps to their inwardly facing surfaces to provide for the communication of uncured joint compound between the outwardly facing surfaces and the inwardly facing surfaces during the installation of the drywall corner protection strip device onto the drywall corner joint.

Kunz et al does not show the flap being formed on both their outwardly facing and inwardly facing surfaces with alternating elongated grooves and ridges, the perforations being formed along the grooves of the outside surface of the flaps.

Compton shows flaps (20) having elongated grooves and ridges on both the inside and outside surfaces for anchoring a joint compound(21).

Weldy shows perforations being in the grooves of the outside surfaces of the flaps to enable strong engagement of plaster material to attach the cover to a wall.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kunz et al to show the flap being formed on both their outwardly facing and inwardly facing surfaces with alternating elongated grooves and ridges as taught by Compton, the perforations being formed along the grooves of the outside surfaces of the flaps as taught by Weldy because having corrugated surfaces with grooves and ridges with perforations at the

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grooves of the outward surfaces would enhance the attachment of the joining compound to the cover and its supporting wall, and thus resulting in a stronger finish wall surface.

Per claims 42-45, Kunz et al as modified shows the ridges being of uniform height, spaced equidistant apart, the ridges being continuous in the longitudinal direction of the flap, the flap being formed with the ridges extending the full length thereof.

4. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunz et al (6295776) in view of Compton (2853871) and Weldy (re34547).

Kunz et al (figure 1) shows a protective drywall joint strip device having an elongated rigid core (12) of a predetermined width and terminating in opposite longitudinal edges, a paper cover (20) bonded to the core and configured to project laterally beyond the respective edges to form the respective flexible flaps having an outwardly facing surface and inwardly facing surface, the flaps being formed with respective perforations spaced equidistant, and extending through the flaps to form open flow apertures for flow therethrough of joint compound, the perforations being at least $1/64^{\text{th}}$ of an inch in transverse cross section.

Kunz et al does not show the flap being formed on at least four parallel elongated grooves defining reinforcing ribs, the grooves being spaced $1/8^{\text{th}}$ of an inch apart and the ribs being raised outwardly from the bottom of the grooves at least $1/64^{\text{th}}$ of an inch, the perforations being spaced equidistant along the ribs.

Compton shows flaps (20) having at least four elongated parallel grooves and ridges(figures 1) on both the inside and outside surfaces for anchoring a joint compound(21), the ridges forming ribs.

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Weldy shows perforations spaced equidistant along the ribs to enable strong engagement of plaster material to attach the cover to a wall.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kunz et al to show the flap being formed on at least four parallel elongated grooves defining reinforcing ribs as taught by Compton, the grooves being spaced $1/8^{\text{th}}$ of an inch apart and the ribs being raised outwardly from the bottom of the grooves at least $1/64^{\text{th}}$ of an inch, the perforations being spaced equidistant along the ribs as taught by Weldy because having corrugated surfaces with at least four parallel grooves and ridges with perforations spaced at equidistant from the ribs would enhance the attachment of the joining compound to the cover and its supporting wall, and thus resulting in a stronger finish wall surface, and it would have been an obvious matter of engineering design choice to show the grooves being spaced $1/8^{\text{th}}$ of an inch apart and the ribs being raised outwardly from the bottom of the grooves at least $1/64^{\text{th}}$ of an inch since such a modification would have involved a mere change in the size of a component; a change in size is generally recognized as being within the level of ordinary skill in the art, In re Rose, 105 USPQ 237 (CCPA 1955).

5. Claims 16, 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritchie et al (5131198) in view of Compton (2853871) and Weldy (re34547).

Ritchie et al (figure 5) shows a drywall corner protection strip device having an elongated metal core (10') having first and second longitudinal edges, a paper cover (12') bonded to the metal core and extending beyond the first and second longitudinal edges to form flexible paper flaps, each having an outwardly facing surface and an inwardly facing surface, the paper cover

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being constructed of fibers and strengthening compound mixed together, the strengthening compound encapsulates the fibers (col 3 lines 10-12, lines 44-48).

Ritchie et al does not show the flaps being formed on their outwardly facing surfaces with spaced apart perforations and extending through the flaps to their inwardly facing surfaces to provide for the communication of uncured joint compound between the outwardly facing surfaces and the inwardly facing surfaces during the installation of the drywall corner protection strip device onto the drywall corner joint, the flap being formed on both their outwardly facing and inwardly facing surfaces with alternating elongated grooves and ridges, the perforations being formed along the grooves of the outside surface of the flaps.

Compton shows flaps (20) having elongated grooves and ridges on both the inside and outside surfaces for anchoring a joint compound(21).

Weldy shows perforations being in the grooves of the outside surfaces of the flaps, the perforations being spaced apart and extending through the flaps to their inwardly facing surfaces to provide communication of uncured joint compound between the outwardly facing surfaces and the inwardly facing surfaces during the installation of the drywall corner protection strip device onto the drywall corner joint to enable strong engagement of plaster material to attach the cover to a wall.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kunz et al to show the flaps being formed on their outwardly facing surfaces with spaced apart perforations and extending through the flaps to their inwardly facing surfaces to provide for the communication of uncured joint compound between the outwardly facing surfaces and the inwardly facing surfaces during the installation of the drywall corner protection

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strip device onto the drywall corner joint, the perforations being formed along the grooves of the outside surface of the flaps as taught by Weldy, the flaps being formed on both their outwardly facing and inwardly facing surfaces with alternating elongated grooves and ridges as taught by Compton because having corrugated surfaces with grooves and ridges with perforations at the grooves of the outward surfaces would enhance the attachment of the joining compound to the cover and its supporting wall, and thus resulting in a stronger finish wall surface.

6. Claims 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritchie et al (5131198) in view of Compton (2853871) and Weldy (re34547).

Ritchie et al as modified shows all the claimed structural limitations. The claimed method steps of making a drywall joint protection strip device would have been the obvious method steps of making Ritchie et al's modified protection strip device.

7. Claims 52, 53, 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunz et al (6295776) in view of Compton (2853871).

Kunz et al (figure 1) shows a drywall corner protection strip device having a relatively rigid core, a relatively flexible cover strip (20) for overlying the core and bonded to the core, the cover projecting beyond the opposite sides of the core to form respective flexible flaps formed with inner and outer sides, the flaps are further formed with a plurality of perforations disposed along the length thereof and filled with the joint compound.

Kunz et al does not show the inner sides of the flaps being formed with a plurality of alternating longitudinal flap grooves and ridges to be embedded in joint compound interposed between the inner sides and a respective corresponding portion of the exterior surfaces of the panels to fill the grooves and anchor the flaps in the compound.

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Compton shows flaps (20) having elongated grooves and ridges on both the inside and outside surfaces to be embedded in joint compound (21).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kunz et al to show the inner sides of the flaps being formed with a plurality of alternating longitudinal flap grooves and ridges to be embedded in joint compound interposed between the inner sides and a respective corresponding portion of the exterior surfaces of the panels to fill the grooves and anchor the flaps in the compound as taught by Compton because having corrugated surfaces with grooves and ridges would enhance the attachment of the joining compound to the cover and its supporting wall, and thus resulting in a stronger finish wall surface.

Per claim 55, Kunz et al as modified further shows the ridges and grooves being continuous throughout the length of the flaps.

8. Claim 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunz et al (6295776) in view of Compton (2853871) as applied to claim 53 above and further in view of Weldy (re34547).

Kunz et al as modified shows all the claimed limitations except for the perforations disposed in longitudinal rows and formed on their respective outer sides with the grooves aligned with the respective rows of perforations.

Weldy shows perforations disposed in longitudinal rows and formed on their respective outer sides with the grooves aligned with the respective rows of perforations to enhance the anchoring of the cover to the joint compound.

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It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kunz et al's modified structures to show the perforations disposed in longitudinal rows and formed on their respective outer sides with the grooves aligned with the respective rows of perforations as taught by Weldy because it would enhance the anchoring of the cover to the joint compound.

Response to Arguments

9. Applicant's arguments with respect to claims 15-16,30,35-55 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different joint cover device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of several loops and a large circular flourish at the end.

Phi Dieu Tran A

10/28/04